

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2872 – SB 2882

May 5, 2010

SUMMARY OF AMENDMENT (018262): Deletes all language after the enacting clause. Creates a Class D felony offense of vehicular homicide if a driver fails to exercise due care, or inadvertence or inattention, in a construction zone and the person killed was an employee of the Department of Transportation (TDOT) or a highway construction worker.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$171,400/Incarceration*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$42,900/Incarceration

Assumptions applied to amendment:

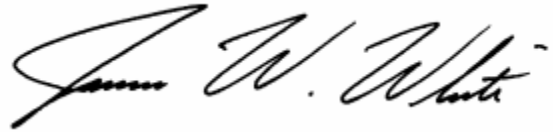
- According to the Department of Safety, there were 12 fatal crashes in construction zones in 2009. Of the total, three were either TDOT employees or highway construction workers. The Department of Correction (DOC) estimates 25 percent of these fatalities ($3 \times 25\% = .75$) were caused by inattentive drivers and will result in one additional Class D felony admission.
- According to the U. S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant increase in incarceration costs during this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender.
- According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class D felony is 1.96 years (715.89 days). The cost per offender at 1.96 years is \$42,853.18 ($\59.86×715.89 days).

- Any impact on the caseloads in state trial courts can be accommodated within existing resources without an increased appropriation.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc